

Applicant: David B. Watson, et al.
Serial No.: 10/730,684
Filed: December 8, 2003
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Amendments to the Drawings:

Prior to examination in the above-referenced case, please replace FIG. 3 with attached replacement sheet 3. No substantive changes were made to the drawings and no new matter has been added. If you have any questions, please contact the undersigned.

Marked-Up Drawings

Please find enclosed one set of drawings with the revisions in red.

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REMARKS

Claims 1-35 are pending in the Application. Claims 1, 2, 5, 9-17, 27, 30 and 31 are rejected. Claims 3, 4, 6-8, 28 and 29 are objected to. Applicants amend claim 1, 5, 27, and 31 and cancel claims 10, 11, and 28. Applicants respectfully request reconsideration of the Application in view of the remarks and amendments herein.

Objections

Specification

The abstract of the disclosure was objected to as failing to use proper language and format. The Abstract has been corrected to contain one paragraph. Accordingly, Applicants respectfully request that the objection be withdrawn.

Claims

Claims 5, 27 and 31 are objected to for informalities. Claims 5, 27, and 31 have been amended to correct the noted informalities. Accordingly, Applicants respectfully request withdrawal of the objections.

Claim Rejections – 35 U.S.C. § 102

Tomisaka

Claims 1, 2, 5 and 9 are rejected under 35 U.S.C. § 102(b) as being anticipated by Tomisaka (JP 354121347A). As amended, claim 1 recites “directing at least a portion of reduced pressure gas from an outlet of the expansion engine to a gas consuming device.” Tomisaka does not teach or suggest directing at least a portion of reduced pressure gas from an outlet of the expansion engine to a gas consuming device. Therefore, Tomisaka does not anticipate claim 1. Claims 2, 3, 4, 5, 6, 7, 8 and 9 depend, directly or indirectly, from claim 1 and are not anticipated by Tomisaka for at least the same reasons. Accordingly, Applicants respectfully request the withdrawal of these rejections and objections.

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Bachmann

Claims 15, 27 and 30 are rejected under 35 U.S.C. § 102(b) as being anticipated by Bachmann (U.S. Publication No. 2001/0029732). Claim 15 recites “at least one boiler supplied with at least a portion of fuel gas that has been lowered in pressure by running the supply of pressurized gas through the gas expansion engine[.]”

Bachmann does not teach a system with a boiler supplied with fuel gas. Rather Bachmann teaches a system in with a waste heat boiler 33 heated by exhaust or flue gas from a gas turbine plant 11 (see Abstract). Therefore, Bachmann does not anticipate claim 15. Accordingly, Applicants request the withdrawal of the rejections of claim 15 as anticipated by Bachmann.

Claims 16 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bachmann. Claims 16 and 17 depend from claim 15 and are allowable for at least the same reasons discussed above in addressing the rejection of claim 15 as anticipated by Bachmann. Accordingly, Applicants request the withdrawal of this rejection.

Claim 27 has been amended to recite the features of claim 28 which the Examiner indicated was allowable but objected to as depending from a rejected base claim. Therefore, claim 27 is allowable as amended. Claims 28 and 30 depend from claim 27 and is allowable for at least the same reasons. Accordingly, Applicants request the withdrawal of the rejections and objections to claims 27, 29 and 30 as anticipated by Bachmann.

Claim Rejections – 35 U.S.C. § 103

Tomisaka

Claims 10, 12, 13, 14 and 31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tomisaka (JP 354121347A). Claim 10 is canceled. Claim 12 recites “a municipality gas distribution network for distributing at least a portion of tail gas from the gas expansion engine.” Claim 31 includes a similar feature.

As the Examiner knows, the teaching or suggestion to make the modification and the reasonable expectation of success must both be found in the prior art, not in Applicants’ disclosure (*In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)).

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The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination (In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990)).

Tomisaka does not teach or fairly suggest “a municipality gas distribution network for distributing at least a portion of tail gas from the gas expansion engine.” Rather Tomisaka teaches a system using liquefied natural gas to cool nitrogen gas of a low temperature utilizing system with no suggestion of coupling the system outlet to a municipal distribution system. Moreover, there is no teaching that such a low temperature utilizing system would be co-located with a pressure step-down mechanism for a municipality gas distribution system.

Accordingly, Applicants request the withdrawal of this rejection. If this rejection is maintained, Applicants respectfully request the Examiner cite references that teach or suggest the expansion of gas through a engine as a pressure step-down mechanism for a municipality gas distribution system and references that teach or suggest co-location of low temperature utilizing system as taught by Tomisaka with such a pressure step-down mechanism for a municipality gas distribution system.

Wissolik

Claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Wissolik (U.S. Patent No. 6,196,021). Claim 11 is canceled. Accordingly, Applicants request the withdrawal of this rejection as moot.

Allowable Subject Matter

Applicants note and appreciate the Examiner’s indication that Claims 3, 4, 6-8 and 28-29 are allowable if rewritten in independent form.

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CONCLUSION

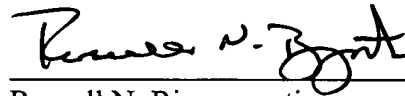
In view of the above, and for other reasons clearly apparent, Applicants respectfully submit that the Application is in condition for allowance, and request such a Notice. If the present Application is not allowed and/or if one or more of the rejections is maintained or made final, Applicants hereby request a telephone conference with the Examiner and further requests that the Examiner contact the undersigned attorney to schedule a telephone conference.

No additional fees are believed to be due. Please apply any deficiencies or any other required fees or any credits to deposit account 06-1050, referencing the attorney docket number shown above.

Respectfully submitted,

Date: _____

7/5/06



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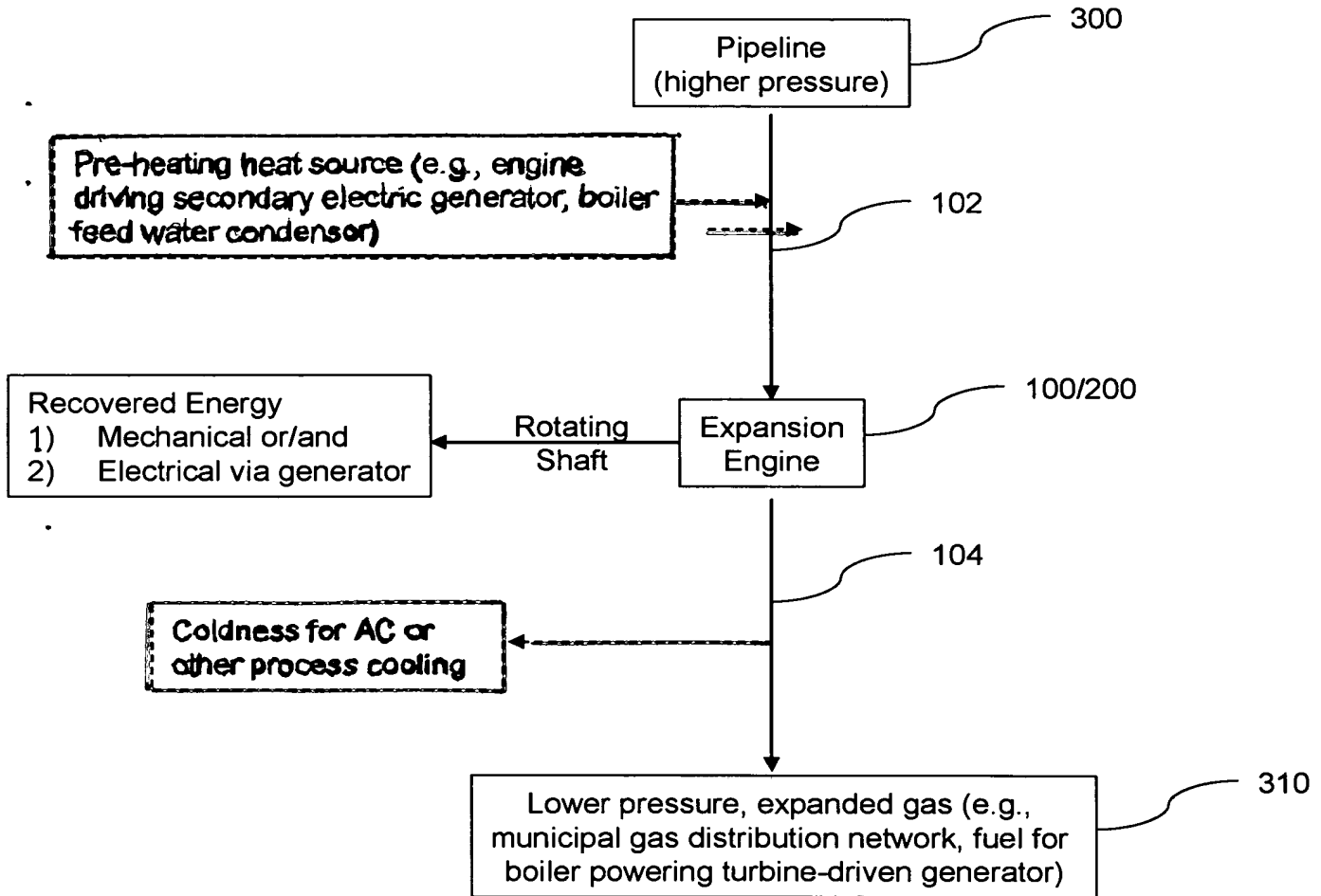


FIG. 3